

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

June 10, 2009

The meeting was called to order at 4:05 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Phil Conder, Joe Garcia, and Jason Jones

ABSENT:

Terri Mills and Mary Jayne Davis

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Pastorik, Shane Smith, Frank Lilly, Steve Lehman, Ron Weibel, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Claire Gillmor, Assistant City Attorney

AUDIENCE

Approximately five (5) people were in the audience

SUBDIVISION APPLICATION

S-6-2009

Utah Cultural Celebration Subdivision

1300 West 3300 South

C-2 Zone

3 Lots

BACKGROUND

Brent Garlick, representing the City's Economic Development Division, is requesting preliminary and final subdivision approval for the Utah Cultural Celebration Subdivision. The purpose for the subdivision is to create individual lots that will eventually be sold to the developer of the Jordan River Market Place.

STAFF/AGENCY COMMENTS:

Public Works Department:

- Dedication along 3300 South required.
- Revisions to the plat are required.
- Plat will be required to show public lighting easement across the frontage on 3300 South.

Fire Department:

- Hydrant locations and specifications to be reviewed by Fire Department once development applications have been submitted.

ISSUES

- The proposed application will subdivide a number of parcels and will result in the creation of 3 lots on approximately 24 acres of property. The subdivision is being processed in order to create lots that will eventually be sold by the City. Lot 1 will be retained by the City as it houses the Utah Cultural Celebration Center.
- The subdivision is located in the C-2 zone. It is also located within the boundaries of the Jordan River Overlay Zone. During the conditional use and/or permitted use processes, special development standards will apply.
- As part of the subdivision, a small portion of lots 2 and 3 will be dedicated as right-of-way along 3500 South. In addition, a 3-foot wide public lighting easement will also be noted on the plat adjacent to 3500 South. This will allow the public sidewalk and lighting to be installed along 3500 South as it is further to the west.

- Due to this application being a commercial subdivision, staff and agency comments will be better addressed during the future development reviews of the Market Place. The subdivision plat is simply to create the properties for which the City can sell.
- During the study session, a question was raised regarding the north boundary of lot 2. More particularly, the question asked was whether there could be complications from this boundary being a waterway. After discussing this matter with Public Works, staff learned that control structures used in this area will keep the pond fluctuations to a minimum. This will not guarantee that water will not extend beyond the subdivision boundary. However, this potential should be addressed with the future owners of this property.

STAFF ALTERNATIVES:

- A. Approve the Utah Cultural Celebration Subdivision subject to a resolution of staff and agency issues.
- B. Continue the application to address concerns raised during the Planning Commission hearing.

Applicant:

Brent Garlick

Economic Development Division

West Valley City

Discussion: Steve Lehman presented the application. Brent Garlick indicated that the project has taken awhile to get to this point but has now made it to the subdivision phase. He stated that Ascent Construction has been selected for the site and staff is looking forward to the progress in this area.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to the resolution of staff and agency issues.

Commissioner Jones seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes

Chairman Woodruff

Yes

Unanimous -S-6-2009– Approved

CONDITIONAL USE APPLICATIONS:

C-14 2009

Ace Disposal Corp.

2264 S. Technology Drive

M Zone 9.5 Acres

The applicant is requesting an amendment to an existing conditional use to modify the approved landscape plan. This modification is requested to replace the lawn in the landscape setback along Technology Drive with gravel while retaining the trees and shrubs previously approved for the site. The reason for the request is to create a more water-efficient landscape area. This site is a new development approved by the Planning Commission on May 14, 2008.

The Design and Development chapter of the ordinances, Chapter 7-14, requires landscaped areas to be at least 50% live plant material. A review of the new landscape plan shows that counting the area of shrubs and ground cover and a reasonable amount for tree canopies there will be at least 50% coverage of live plant material. This site is also in an interior area of a manufacturing zone development and is not visible from a major arterial.

The landscape plan indicates “sculpture” in several areas of the landscaping. The architect has indicated that the property owner has not decided yet on what is going in these areas but it will be some time of rock work.

During discussions in a study session the Planning Commission felt that the use of more varied and distinct colored gravel and strategically placed large landscape boulders would enhance the look of the landscape setback and staff agrees that this would give a much better street presence to the setback since all the lawn along Technology Drive is being replaced with gravel.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. Live plant material must always be at least 50% of the landscape area.
 2. There must be a continuous maintenance schedule to keep the gravel areas weed and trash free.
 3. Colored gravel and large landscape boulders shall be used to enhance the appearance of the setback along Technology Drive.

- Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

Kurt Kappus
2695 S. 600 W.

Applicant:

Dave Robinson
6465 S. 3000 E.
Suite 102

Discussion: Ron Weibel presented the application. Kurt Kappus presented the landscaping plan and stated that this site will be the company headquarters so everything will be very well maintained. He displayed a poster board with images of the boulders and gravel and the specific type of plants and trees that will be used. Mr. Kappus explained that the site is committed to a green facility that conserves energy and water.

Dave Robinson stated that this has been an ambitious project with many environmentally friendly products that include an underground pump that converts earth energy to heat and cool the building and shading devices as well as articulation on the building. He added that the new landscaping plan compliments the intent of energy saving efforts that will benefit the City.

Jason Jones asked how deep the gravel will be. Mr. Kappus explained that there is a thin weed barrier and 3 inches of gravel. He indicated that there will be a plant mix around each tree with a drain pipe to prevent the tree from getting an overage of water. Commissioner Jones asked what the life span of the weed barrier is. Mr. Kappus replied that he would guess about 50 years and explained that it isn't organic and he hasn't seen one wear out yet.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval subject to the 3 staff conditions.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Chairman Woodruff	Yes

Unanimous -C-14-2009– Approved

ZONE TEXT CHANGE APPLICATION

ZT-1-2009, Transit Oriented Development Zone

**West Valley City
3600 Constitution Boulevard
West Valley City, Utah 84119**

Zone Text Change Affecting:

West Valley City Code, 7-1-103, Definitions

West Valley City Code, 7-6-101, Establishment of Zones

&

Establishing West Valley City Code, 7-6-1700, Transit Oriented Development Zones

Purpose

This Zone Text Change is proposed to establish zoning options, incentives and guidance for the development of Transit Oriented Development (TOD) projects around light rail transit (LRT) or bus rapid transit (BRT) stations. TOD is an approach to development that integrates land uses, development intensity and transportation options, centering primarily on access to the public transit system.

Background

At the request of the City Council, Mayor and City Manager of West Valley City, City Staff have prepared the attached draft Transit Oriented Development zone ordinance. This ordinance provides relevant definitions, additions to the list of zones provided in City Code, and establishes the language of the proposed new TOD ordinance.

Application

West Valley City Staff is requesting an ordinance text change to Title 7 of West Valley City Municipal Code to establish a Transit Oriented Development ordinance (TOD) and four (4) TOD zones distinct TOD zones and associated land use mixes (share of building gross square footage):

- **TOD-Residential (TOD-R)**
Minimum 80% residential uses
- **TOD-Employment (TOD-E)**
Minimum 60% office/non-retail commercial
Maximum 20% residential
- **TOD-Mixed Use (TOD-M)**
Maximum 50% residential
- **TOD-Optional (TOD-O)**
Negotiable

These different zones only establish some variety in the mix of broad categories of land uses such as residential, commercial and non-retail commercial. A TOD zone, appropriate to the character of particular place around a transit station, once established, will be consistent with all future development associated with that station. For example, if a TOD-Employment (TOD-E) zone is established around the 2770 South Redwood Road light rail station, every other future development around that particular station will

apply the TOD-E zone. The only exception is the possibility that a TOD-Optional (TOD-O) zone may apply to address special circumstances.

This draft ordinance establishes three distinct areas within any TOD zone. These areas provide for a greater intensity of development immediately surrounding a transit station and a reduction of the intensity of development at the outer edges or where a TOD project abuts an existing single-family residential neighborhood. These areas define the specific land uses allowed within a TOD zone as well as provide standards for height, density, and setbacks.

Issues

Due to the complexity of this draft ordinance, many challenges, questions and concerns have arisen. While City Staff have attempted to address many of these concerns either in changes to the ordinance or in research and presentations, some issues may remain unresolved. Documentation on TOD 'best practices' suggests that the focus of Transit Oriented Development should be on getting the form of development right rather than on the specific uses, and on providing the flexibility necessary for development to occur. While this ordinance errs on the side of 'use' controls rather than form, it is an important first step toward an alternative type of development in the City that creates transit nodes and villages centering on the regional transportation system.

Many of the concerns expressed thus far have focused on the appropriateness of the density allowances; whether they are high enough to achieve the type of development we would like and whether they are too high considering current and historical levels of density and intensity of development within West Valley City. Also of concern has been the approach to incentives/density bonuses, especially considering viable means to ensure that they are ultimately developed as promised. This draft ordinance, while not perfect in this regard, represents the most feasible approach to both raising the expectations of development and realizing those expectations when the project is built.

Staff Alternatives

1. **Approval**, a positive recommendation of this ordinance to the City Council.
2. **Approval with further recommendations**, a positive recommendation of this ordinance to the City Council with suggested changes as determined through the public hearing.
3. **Continuance**, to complete further research and/or resolve any questions.
4. **Denial**, a negative recommendation of this ordinance to the City Council for reasons determined through the public hearing.

Applicant:

West Valley City

Discussion: Shane Smith presented the application. Harold Woodruff stated that building story's can be defined as either 12 or 15 feet in height. He indicated that the ordinance should have a 5 story height limit rather than 60 feet. Shane agreed

that a 60 foot maximum would preclude the 15 foot story possibility and that defining building height by story would allow developers more flexibility.

Phil Conder questioned whether one developer will need to develop the entire site around a TRAX station. Shane replied that it will be like any other zone and multiple developers will most likely develop different areas around stations. Commissioner Conder expressed concern that a developer could apply for a portion of the project and pick and choose what he wants to do. He provided an example by saying that someone may develop the residential portion and leave the rest of the site to sit. Shane replied that when a developer comes in, he would need to meet the requirements of the ordinance and provide the required mix. He added that retail and commercial uses must be developed in phase one along with the residential. Commissioner Conder indicated that many developers will likely apply for a TOD-O zone since it is more open and free. Shane agreed that the TOD-O zone will appeal to developers and added that the more complex and complicated the other TOD zones get, the more developers will want to use the TOD-O zone. Phil Conder stated he could see one developer having success by doing an entire site but not individual developers doing different portions. Shane stated that there may be a way to make other zones more interesting and the TOD-O zone less desirable.

Jason Jones explained that he believes any development attempting to be more environmentally friendly should receive the bonus incentive without having to get LEED certification. Brent Fuller commented that all incentives are loose and present problems. He stated that he would rather define the residences rather than have these incentive standards. Jack Matheson suggested that the total allowable residential density with all incentives was 37.2 units per acre. Shane corrected the statement saying that an additional 2 units could be added if high end housing is achieved, for a total of 39.6 units per acre. Commissioner Fuller stated that the incentives are defined in such a way that there can be too much open interpretation. Jack Matheson stated that he is not opposed to the incentives and indicated that there should be a 25% bonus for a parking structure. Jason Jones questioned whether a cap should be placed on the total amount of allowed density per acre or the total number of bonus incentives that can be awarded. Shane replied that with height and parking space requirements, it may be difficult to achieve the allowable density anyway. He added that more units might be okay if the project is nice.

Brent Fuller stated that he is more comfortable doing a rectangle indicating where the TOD zone is located around a station rather than a circle. He indicated that he has seen the erosion of neighborhoods created by large apartment complexes. He explained that as the circle spreads outward, property values will start to diminish over the next 20 years. Shane replied that no one knows what TOD does to property values yet. He added that the circles are a functional idea because TOD is not simply along major arterials but is an area in proximity to a station.

Commissioner Fuller stated that high density residential is a problem in the City and he doesn't want it to happen everywhere. Shane indicated that TOD zones are intended to be pedestrian friendly and there are a lot of opportunities that this provides, even for adjacent neighborhoods.

Jack Matheson indicated that there should be a minimum square footage requirement for all units as well as a cap on the number of studio units. Jack added that the fenestration requirement in a residential unit should be minimized or removed.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for denial with the following recommendations for the City Council:

1. That a 10% bonus incentive should be granted for all developments that make their development significantly "green" and not just those that are granted LEED certification.
2. An additional bonus incentive should be added for developers who construct a parking garage.
3. A minimum square footage for residential apartment units should be set in place as well as a maximum number of studio units allowed in each development.
4. Maximum building height should be defined as 5 stories and not 60 feet.
5. Fenestration requirements in residential units should be minimized or removed.
6. All major arterial streets should have pedestrian and street lights on both sides of the road.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	No
Commissioner Garcia	No
Commissioner Jones	No
Commissioner Matheson	No
Chairman Woodruff	No

Majority -ZT-1-2009- Denied

Chairman Woodruff called for a second motion.

Motion: Commissioner Fuller moved for continuance

Commissioner Jones seconded the motion.

Roll call vote:

Commissioner Conder	No
Commissioner Fuller	Yes
Commissioner Garcia	No
Commissioner Jones	Yes
Commissioner Matheson	Yes
Chairman Woodruff	Yes

Majority -ZT-1-2009- Continued

PLANNING COMISSION BUSINESS

Approval of minutes from May 13, 2009 (Regular Meeting) **Approved**

Approval of minutes from June 3, 2009 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:02 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant